



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Falb *et al.*

Application No.: 09/034,286

Group Art Unit: 1633

Filed: March 4, 1998

Examiner: D. Nguyen

For: COMPOSITIONS AND METHODS  
FOR THE TREATMENT AND  
DIAGNOSIS OF  
CARDIOVASCULAR DISEASE

Attorney Docket No.: 7853-114

**PETITION UNDER 37 C.F.R. §1.137(b) TO  
REVIVE UNINTENTIONALLY ABANDONED APPLICATION**

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

**RECEIVED**

AUG 09 2001

Sir:

OFFICE OF PETITIONS  
DEPUTY A/C PATENTS

In accordance with Rule 137(b) of the Rules of Practice, Applicants hereby petition for revival of the above-identified application. The above-identified application became abandoned for allegedly failing to file a timely and proper reply to the Office Action mailed on October 24, 2000, which set a six month statutory period for reply. Thus, the abandonment date of this application is April 25, 2001 (*i.e.*, the day after the expiration date of the period set for reply plus any extensions of time obtained therefor).

On April 23, 2001, the undersigned attorney for Applicants filed a Continued Prosecution Application (CPA) and a Petition for Extension of Time Under 37 CFR § 1.136(a) (copies of which are attached hereto as Exhibit A). The CPA Request requested a "continuation ... of prior application number 09/034,286 filed on March 4, 1998, entitled COMPOSITIONS AND METHODS FOR THE TREATMENT AND DIAGNOSIS OF CARDIOVASCULAR DISEASE." This application was abandoned on April 25, 2001 because Applicants' representative inadvertently filed a third CPA instead of a continuation application under 37 CFR § 1.53(b). Applicant is filing concurrently with the Petition to Revive, a continuation application Under 37 C.F.R. §1.53(b).

Applicants' representative respectfully submits that the entire delay in filing the required reply from the due date for the reply until the filing date of a grantable petition under 37 C.F.R. §1.137(b) was unintentional. In view of all of the foregoing, it is submitted that the above-identified application was unintentionally abandoned on April 25, 2001. This petition to revive is being submitted after the notification by the U.S. Patent and Trademark Office that the instant application is abandoned, and within one year from the date of abandonment.

Pursuant to 37 C.F.R. § 1.137(b), Applicants submit concurrently herewith a response to the outstanding Office Action including: (1) a Request for Continuation Application Under 37 C.F.R. § 1.53(b). In addition, provisions for the required petition fee is provided herein below. Applicants respectfully request that this Petition to Revive the unintentionally abandoned application be granted.

Pursuant to 37 C.F.R. § 1.137(b)(2) and § 1.17(m), it is estimated that a petition fee of **\$1240.00** is due. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this document is enclosed for accounting purposes.

Respectfully submitted,

Date August 7, 2001

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## Enclosures